

IN THE CIRCUIT COURT OF BUCHANAN COUNTY, MISSOURI

4. Defendant subjected plaintiff to age discrimination during her employment by eliminating her position, transferring her, and thereafter terminating her employment in the new position shortly after she started.

5. At all times relevant to this action, Defendant have each employed 15 or more employees and are therefore employers as defined in Title VII.

6. Defendant committed the tortious actions described herein in Buchanan County, Missouri, such that venue is proper in this court.

7. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) and the Missouri Commission on Human Rights (MCHR) against Defendants within 180 days of the unlawful employment practices complained of herein.

8. The EEOC issued a Notice of Right to Sue on her charge of discrimination against Defendants and this action is timely filed.

9. Plaintiff timely complied with all administrative prerequisites prior to filing this lawsuit.

10. Plaintiff was hired by Defendants in 2008. Plaintiff performed her job to the best of her ability and satisfactorily met the legitimate job expectations of defendant during her employment.

COUNT I -- AGE DISCRIMINATION

11. Plaintiff incorporates by reference the preceding paragraphs of this petition.

12. Plaintiff was subjected to unfair and unequal treatment because of her age, culminating her unlawful termination at age 68.

13. During her employment, plaintiff was subjected to repeated questions about her age, questions about her perceived ability to continue working and questions about her retirement date.

14. Defendant claimed to eliminate plaintiff's position in the spring of 2019. But younger employees performed her duties thereafter.

15. Plaintiff was transferred to a new position, but was not given proper training or time to become completely learn the new role.

16. Plaintiff was unfairly criticized for her performance because of her age and was treated less favorably than similarly situated younger employees.

17. But for plaintiff's age, she would not have been subjected to these actions; in other words, plaintiff's age was a motivating factor in the harassment.

18. Upon information and belief, plaintiff's job duties were assumed by one or more younger employees after her termination.

19. The stated reasons for the termination reason are pretextual; they

are not true and are not truly the motivating or determining or “but for” factors in the termination.

20. As a direct and proximate result of Defendant’s unlawful employment practices described herein, Plaintiff sustained damages in the form of lost.

21. Defendant’s conduct was willful because it knew age discrimination was against the law yet it engaged in intentional age discrimination.

WHEREFORE, Plaintiff Mary Montgomery prays for judgment against Defendant City of Saint Joseph, Missouri, lost salary, liquidated damages, attorney’s fees and costs incurred herein, and for such other relief as the court deems just and proper including reinstatement or other equitable relief.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

THORNBERRY BROWN, LLC

By: /s/Stephen C. Thornberry
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ATTORNEYS FOR PLAINTIFF




IN THE 5TH JUDICIAL CIRCUIT, BUCHANAN COUNTY, MISSOURI

Judge or Division: KATE H SCHAEFER	Case Number: 20BU-CV04286
Plaintiff/Petitioner: MARY MONTGOMERY	Plaintiff's/Petitioner's Attorney/Address STEPHEN C. THORNBERRY 4550 MAIN STREET STE 205 KANSAS CITY, MO 64111
vs.	
Defendant/Respondent: CITY OF ST JOSEPH, MISSOURI	Court Address: BUCHANAN CO COURTHOUSE 411 JULES ST SAINT JOSEPH, MO 64501
Nature of Suit: CC Other Tort	STATUS REVIEW HEARING DATE: 2-18-21 @ 9:00 AM, DIV 1

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: CITY OF ST JOSEPH, MISSOURI
Alias:
 SERVE CITY ATTORNEY BRYAN CARTER
 1100 FREDERICK AVE
 SAINT JOSEPH, MO 64501
COURT SEAL OF



BUCHANAN COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

Friday, November 20, 2020 /s/K. DOBOSZ, Deputy Clerk
 Date Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
☐ other: _____.

Served at _____ (address)
 in _____ (County/City of St. JOSEPH), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ _____
 Non Est \$ _____
 Sheriff's Deputy Salary
 Supplemental Surcharge \$ 10.00
 Mileage \$ _____ (_____ miles @ \$._____ per mile)
Total \$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



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BUCHANAN COUNTY CIRCUIT COURT
OFFICE OF CLERK OF

2020 DEC 10 AM 9:22

FILED

Summons in Civil Case



Date File Stamp

The State of Missouri to: CITY OF ST JOSEPH, MISSOURI

Alias:

SERVE CITY ATTORNEY BRYAN CARTER
1100 FREDERICK AVE
SAINT JOSEPH, MO 64501
COURT SEAL OF



BUCHANAN COUNTY

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Friday, November 20, 2020

Date

/s/ K. DOBOSZ, Deputy Clerk

Clerk

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☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: Jason Soper (name) Assistant City Attorney (title).

☐ other: _____

Served at 1100 Fredrick St Joseph Missouri (address)

in Buchanan (County/City of St. JOSEPH), MO, on 12/9/20 (date) at 1149 (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons \$ 75

Non Est \$ _____

Sheriff's Deputy Salary _____

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$_____ per mile)

Total \$ 40

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.